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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,874	12/31/2001	Guy Roberts	US010686	6434
24737	7590	09/20/2007		
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			EXAMINER	
P.O. BOX 3001			LUU, SY D	
BRIARCLIFF MANOR, NY 10510				
			ART UNIT	PAPER NUMBER
			2174	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/038,874	Applicant(s) ROBERTS ET AL.	
	Examiner Sy D. Luu	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. This communication is responsive to the Amendment filed 7/10/2007.
2. Claims 1-25 are pending in this application. Claims 1, 6, 11, 16 and 23 are independent claims. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

4. Claims 1, 3-6, 8-11, 13-16, and 18-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Maissel et al. ("Maissel", US 6,637,029 B1).

As per claims 6 and 9-10, Maissel teach a content reception system comprising:

a input receiving content and information items regarding the content, wherein the information items form a search pool (col. 12, lines 16-34; col. 13, lines 34-40; *viewer preference profile providing a search criteria*) ; and

a display controller receiving search results from a search on the search pool and generating a plurality of graphical elements representative of each available item within a search pool, a graphical feature of each graphical element depending upon a relevance of the associated item to specified criteria (fig. 9D; col. 20, lines 3-17; *results of search based on the preference profile showing graphical elements 395, 397 and 390 with different images depicting different graphical feature for each graphical element depending upon relevancies*)

wherein the graphical element is automatically updated in response to any change to the specified criteria or the search pool (*results of search showing in fig. 9D would clearly be changed automatically upon any change made to viewer preference profile and the display of the same fig. 9D being refreshed*),

wherein the graphical element is dynamically automatically updated whenever the specified criteria are changed by either adding; deleting or modifying a search query element or updating a user profile, and wherein the graphical element is dynamically updated whenever an item is added or deleted from the search pool (col. 12, lines 46 et seq.; *results of search showing in fig. 9D would clearly be changed automatically upon any change made to viewer preference profile and the display of the same fig. 9D being refreshed*).

As per claim 8, Maissel teach one or more graphical elements are representative of multiple items within the search pool and serving as a user control triggering expanded display of additional graphical elements each representative of a subset of the multiple items (col. 20, line 60 – col. 21, line 29; *graphical elements are stored and displayed in a hierarchical manner and could be expanded by user initiation*).

Claims 1 and 3-5 are individually similar in scope to claims 6 and 8-10 respectively, and are therefore rejected under similar rationale.

Claims 11 and 13-15 are individually similar in scope to claims 6 and 8-10 respectively, and are therefore rejected under similar rationale.

Claims 16 and 18-20 are individually similar in scope to claims 6 and 8-10 respectively, and are therefore rejected under similar rationale.

As per claim 21, Maissel teaches the medium to be storage medium (*inherent to the system so that pertinent information could be stored and processed as required*).

As per claim 22, Maissel teaches the graphical feature to be automatically updated without user intervention in response to any change to the specified criteria or the search pool (col. 12, lines 46 et seq.; *graphical elements shown in fig. 9D as a result of search would clearly be changed automatically without user intervention after any change made to viewer preference profile and the display of the same fig. 9D being refreshed*).

Claims 23-24 are similar in scope to claim 6, and are therefore rejected under similar rationale.

#### ***Claim Rejections - 35 USC § 103***

5. Claims 2, 7, 12, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maissel et al. ("Maissel", US 6,637,029 B1) in view of Sciammarella et al. ("Sciammarella", US 5,982,369 A).

Maissel teaches all of the limitations as applied to claim 6 above. However, Maissel does not teach the graphical feature of each graphical element depending upon the relevance of the associated item to specified criteria further comprises one of a size of the graphical element or a perceived proximity of the graphical element to a viewer. Sciammarella teaches a method for providing a graphical feature of graphical elements in a user interface, wherein depending upon the relevance of associated items to specified criteria, graphical elements are affected by size (fig. 2; col. 3, lines 32-48). It would have been obvious to an artisan at the time of the invention to combine Sciammarella's teaching with the system of Maissel in order to provide a user with

an immediate visual feedback of the most relevant search results according to the user's preferences.

Claims 2, 12, 17 are individually similar in scope to claim 7, and are therefore rejected under similar rationale.

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maissel et al. ("Maissel", US 6,637,029 B1) in view of Heckerman et al. ("Heckerman", US 6,216,134 B1).

As per claim 25, while Maissel teaches the graphical element to be updated, and the graphical element is updated automatically without user intervention when a change is made to the specified criteria or the search pool (col. 12, lines 46 et seq.; *graphical elements shown in fig. 9D as a result of search would clearly be changed automatically without user intervention after any change made to viewer preference profile and the display of the same fig. 9D being refreshed*), Maissel does not disclose the updated graphical element is viewable automatically without user intervention. Heckerman teaches a method for visualization of searched information, wherein graphical elements are updated and the updated graphical elements are viewable automatically without user intervention when a change is made to the specified criteria (figs. 2; col. 5, lines 33-47). It would have been obvious to an artisan at the time of the invention to combine Heckerman's teaching with Maissel's method in order to improve on Maissel's method with an immediate visual feedback when a change to the criteria is made.

***Response to Arguments***

7. Applicant's arguments with respect to the independent claims have been fully considered but they are not persuasive.

Applicants argued that Maissel does not teach or suggest: (a) "a graphical element dynamically updated in response to any change to the specified criteria" as recited in claim 6; and (b) the graphical element is dynamically updated in response to any change to the specified criteria or search pool" as recited in claims 1, 11 and 16 (emphasis added).

The Examiner disagrees for the following reasons.

Per (a)-(b), while Applicants argued that the graphical element is dynamically updated which is not taught by the applied prior art, it is noted that according to the most recent amendment filed on March 23, 2007, the claims do not include such recitation. Therefore, the Examiner maintains his position in accordance to the Office Action sent April 10, 2007.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (571) 272-4064. The examiner can normally be reached on Monday - Friday from 7:300 am to 4:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sy D. Luu/

Sy D. Luu

Primary Examiner, Art Unit 2174